UNITED STATES DISTRICT COURT District of Maine

ANTHONY LOGAN,) Docket No. 2:16-CV-00464-GZS
Plaintiff)
v.)
YORK COUNTY SHERIFF'S OFFICE AND)
EMPLOYEES,)
Defendants)

ANSWER AND AFFIRMATIVE DEFENSES OF YORK COUNTY SHERIFF'S OFFICE

NOW COMES Defendant York County Sheriff, by and through undersigned counsel, and hereby responds to the allegations contained in Plaintiff's Complaint as follows:

AFFIRMATIVE DEFENSES

- A. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted.
- B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in Plaintiff's Complaint.
 - C. Plaintiff has failed to mitigate his damages as required by law.
 - D. This Defendant is entitled to general immunity under the Maine Tort Claims Act.
- E. This Defendant is entitled to discretionary function immunity under the Maine Tort Claims Act.
- F. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

G. With regard to any alleged tort claims, Plaintiff has failed to comply with conditions precedent to the maintenance of this action including, without limitation, compliance with the notice

requirements of the Maine Tort Claims Act.

ANSWER

Section IV. Statement of Claim. Defendant York County Sheriff's Office denies each and

every averment set forth in this section of Plaintiff's Complaint.

Section V. Relief. Defendant York County Sheriff's Office denies each and every averment

set forth in this section of Plaintiff's Complaint.

WHEREFORE, Defendant York County Sheriff's Office requests that all relief requested by

Plaintiff be denied and that Defendant York County Sheriff's Office be awarded its costs and

attorneys fees incurred in defending this action.

Dated: February 28, 2017

/s/ Peter T. Marchesi

Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer

Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.

Attorneys for Defendant York County

Sheriff's Office

27 Temple Street, P.O. Box 376

Waterville, ME 04903-0376

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CERTIFICATE OF SERVICE

I, Peter T. Marchesi, Esq., attorney for Defendant York County Sheriff, hereby certify that:

• Answer and Affirmative Defenses of York County Sheriff

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Anthony Logan 300 Cumberland Street Westbrook, ME 04092

Dated: February 28, 2017 /s/ Peter T. Marchesi

Peter T. Marchesi, Esq. Attorney for Defendant York County Sheriff Wheeler & Arey, P.A. 27 Temple Street, P.O. Box 376 Waterville, ME 04903-0376